

contacting at least one of a BLR nucleotide sequence and a BLR binding polypeptide with a test compound under conditions which allow interaction of the compound with at least one of the BLR nucleotide sequence and the BLR binding polypeptide; and measuring the ability of the compound to modulate the interaction of the BLR nucleotide sequence with the BLR binding polypeptide to thereby identify a compound that modulates antibiotic resistance.

Sub B6
a
28. (Amended) A method for identifying a compound that modulates antibiotic resistance, comprising:

contacting at least one of a BLR polypeptide and a BLR binding polypeptide with a test compound under conditions which allow interaction of the compound with at least one of the BLR polypeptide and the BLR binding polypeptide; and measuring the ability of the compound to modulate the interaction of the BLR polypeptide with the BLR binding polypeptide to thereby identify a compound that modulates antibiotic resistance.

REMARKS

Claims 1-28 were pending in the present application. Claims 1-15 and 26 have been canceled without prejudice. Claims 27 and 28 have been amended. Accordingly, claims 16-25 and 27 and 28 will be pending, after the amendments presented herein have been entered. For the Examiner's convenience all of the pending claims are set forth in Appendix A.

Attached hereto is a marked-up version of the changes made to claims by the current amendments. The attached page is captioned "Version With Markings to Show Changes Made".

Support for the amendments to the claims can be found throughout the specification including the originally filed claims. Specifically, support for the amendments to claims 27 and 28 can be found at page 3, lines 27-33 of the specification.

No new matter has been added. Any amendments to and/or cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was done solely to expedite the prosecution of the application. Applicants

reserve the right to pursue the claims as originally filed in this or a separate application(s).

RESPONSE TO RESTRICTION REQUIREMENT

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

- Group I: Claims 1-10 are drawn to an isolated nucleic acid molecule, vector and host cell, classified in class 536, subclass 23.1;
- Group II: Claims 11-12 are drawn to an isolated polypeptide, classified in class 530, subclass 324;
- Group III: Claim 13 is drawn to an antibody, classified in class 424, subclass 130.1;
- Group IV: Claim 14 is drawn to an agonist of BLR polypeptide, classified in class 424, subclass 116;
- Group V: Claim 15 is drawn to an antagonist of a BLR polypeptide, classified in class 424, subclass 114;
- Group VI: Claims 16-25 are drawn to a method of identifying compounds that modulate antibiotic resistance, classified in class 435, subclass 4;
- Group VII: Claim 26 is drawn to a method for identifying a protein that interacts with a BLR nucleotide sequence, classified in class 435, subclass 6; and
- Group VIII: Claims 27-28 are drawn to a method for identifying a compound that modulates the ability of a BLR nucleic acid molecule or polypeptide to interact with a BLR binding polypeptide, classified in class 435, subclass 7.8.

Applicants hereby elect group VI, with traverse. Applicants traverse the restriction requirement to the extent that groups VI and VIII should be reformed as a single group containing claims 16-25 and 27-28 (referred to hereinafter as "newly formed Group VI"). Applicants grounds for traversal are set forth below.

It is respectfully submitted that Applicants have amended claims 27 and 28 such that they, like claims 16-25, are directed towards a method for identifying a compound that modulates antibiotic resistance.

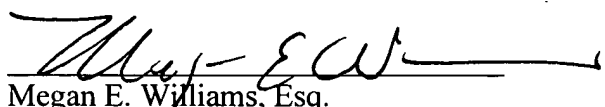
In view of the above traversal, Applicants hereby elect newly formed Group VI, claims 16-25 and 27-28.

Applicants reserve the right to traverse the restriction between the non-elected groups in this or a separate application.

SUMMARY

If a telephone conversation with Applicants' attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at (617) 227-7400.

Respectfully submitted,


Megan E. Williams, Esq.
Registration No. 43,270
Attorney for Applicants

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
Tel. (617) 227-7400

Dated: December 18, 2002

VERSION WITH MARKINGS TO SHOW CHANGES MADE

27. **(Amended)** A method for identifying a compound that modulates ~~the ability of a BLR nucleic acid molecule to interact with a BLR binding polypeptide~~ antibiotic resistance, comprising:

contacting at least one of a BLR nucleotide sequence and a BLR binding polypeptide with a test compound under conditions which allow interaction of the compound with at least one of the BLR nucleotide sequence and the BLR binding polypeptide; and measuring the ability of the compound to modulate the interaction of the BLR nucleotide sequence with the BLR binding polypeptide to thereby identify a compound that modulates ~~the ability of a BLR nucleotide sequence to interact with a BLR binding polypeptide~~ antibiotic resistance.

28. **(Amended)** A method for identifying a compound that modulates ~~the ability of a BLR polypeptide to interact with a BLR binding polypeptide~~ antibiotic resistance, comprising:

contacting at least one of a BLR polypeptide and a BLR binding polypeptide with a test compound under conditions which allow interaction of the compound with at least one of the BLR polypeptide and the BLR binding polypeptide; and measuring the ability of the compound to modulate the interaction of the BLR polypeptide with the BLR binding polypeptide to thereby identify a compound that modulates ~~the ability of a BLR polypeptide to interact with a BLR binding polypeptide~~ antibiotic resistance.